

**United States District Court  
District of Massachusetts (Worcester)  
CIVIL DOCKET FOR CASE #: 4:17-cv-40099-TSH**

Niro et al v. United States et al  
Assigned to: District Judge Timothy S. Hillman  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/26/2017  
Jury Demand: Plaintiff  
Nature of Suit: 870 Taxes  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Donato F. Niro**

represented by **Donato F. Niro**  
7 North Vine Street  
Milford, MA 01757  
508-473-6772  
PRO SE

**Plaintiff**

**Shirley M. Niro**

represented by **Shirley M. Niro**  
7 North Vine Street  
Milford, MA 01757  
508-473-6772  
PRO SE

V.

**Defendant**

**United States**

represented by **Anita Johnson**  
United States Attorney's Office  
John Joseph Moakley Federal Courthouse  
Suite 9200  
1 Courthouse Way  
Boston, MA 02210  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Megan Hoffman-Logsdon**  
United States Department of Justice  
P.O. Box 227  
Washington, DC 20044  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**Department of the Treasury, Internal  
Revenue Service**

represented by **Anita Johnson**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Megan Hoffman-Logsdon**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/26/2017	<u>1</u>	COMPLAINT against All Defendants, filed by Donato F. Niro, Shirley M. Niro. (Attachments: # <u>1</u> Attachment 1, # <u>2</u> Attachment 2, # <u>3</u> Attachment 3, # <u>4</u> Attachment 4, # <u>5</u> Civil Cover Sheet and Category Sheet)(Burgos, Sandra) (Entered: 06/26/2017)

06/26/2017	<u>2</u>	ELECTRONIC NOTICE of Case Assignment. District Judge Timothy S. Hillman assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge David H. Hennessy. (Burgos, Sandra) (Entered: 06/26/2017)
06/26/2017	<u>3</u>	Summons Issued as to Department of the Treasury, Internal Revenue Service, United States. <b>Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service.</b> (Burgos, Sandra) (Entered: 06/26/2017)
06/26/2017	<u>4</u>	General Order 09-1, dated January 6, 2009 regarding the E-Government Act and Personal Identifiers entered. (Burgos, Sandra) (Entered: 06/26/2017)
07/21/2017	<u>5</u>	SUMMONS Returned Executed as to US Attorney by Donato F. Niro, Shirley M. Niro. Department of the Treasury, Internal Revenue Service served on 7/5/2017, answer due 9/5/2017; United States served on 7/5/2017, answer due 9/5/2017. (Burgos, Sandra) (Entered: 07/21/2017)
08/02/2017	<u>6</u>	NOTICE of Appearance by Anita Johnson on behalf of Department of the Treasury, Internal Revenue Service, United States (Johnson, Anita) (Entered: 08/02/2017)
08/03/2017	<u>7</u>	Assented to MOTION for Extension of Time to September 3, 2017 to File an Answer by Department of the Treasury, Internal Revenue Service, United States. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Anita) Modified on 8/4/2017 (Jones, Sherry). (Entered: 08/03/2017)
08/08/2017	<u>8</u>	NOTICE of Appearance by Megan Hoffman-Logsdon on behalf of Department of the Treasury, Internal Revenue Service (Hoffman-Logsdon, Megan) (Entered: 08/08/2017)
08/09/2017	<u>9</u>	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting <u>7</u> Motion for Extension of Time to Answer. (Castles, Martin) (Entered: 08/09/2017)
08/29/2017	<u>10</u>	MOTION for Extension of Time to 10/19/2017 to File Answer re <u>1</u> Complaint by Department of the Treasury, Internal Revenue Service.(Johnson, Anita) (Entered: 08/29/2017)
10/06/2017	<u>11</u>	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting <u>10</u> Motion for Extension of Time to Answer. Department of the Treasury, Internal Revenue Service answer due 10/19/2017; United States answer due 10/19/2017. (Castles, Martin) (Entered: 10/06/2017)
10/12/2017	<u>12</u>	Letter (non-motion) regarding IRS answer from Donato Niro. (Jones, Sherry) (Entered: 10/12/2017)
10/19/2017	<u>13</u>	ANSWER to <u>1</u> Complaint by Department of the Treasury, Internal Revenue Service.(Hoffman-Logsdon, Megan) (Entered: 10/19/2017)
10/26/2017	<u>14</u>	MOTION to begin proceeding by Donato F. Niro, Shirley M. Niro. (Attachments: # <u>1</u> Exhibit)(Jones, Sherry) (Entered: 10/26/2017)
11/09/2017	<u>15</u>	RESPONSE to Motion re <u>14</u> MOTION to begin proceeding filed by Department of the Treasury, Internal Revenue Service, United States. (Hoffman-Logsdon, Megan) (Entered: 11/09/2017)
11/13/2017	<u>16</u>	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered denying <u>14</u> Motion. The parties shall file a joint status report with the Court on or before 1/20/18. The status report shall include a proposed briefing schedule and state whether a further status conference will be required. (Castles, Martin) (Entered: 11/13/2017)
11/15/2017	<u>17</u>	MOTION to produce witnesses by Donato F. Niro, Shirley M. Niro. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Burgos, Sandra) (Entered: 11/15/2017)
11/29/2017	<u>18</u>	Opposition re <u>17</u> MOTION to produce witnesses filed by Department of the Treasury, Internal Revenue Service. (Attachments: # <u>1</u> Text of Proposed Order)(Hoffman-Logsdon, Megan) (Entered: 11/29/2017)

01/18/2018	<u>19</u>	STATUS REPORT by Donato F. Niro, Shirley M. Niro. (Jones, Sherry) (Entered: 01/18/2018)
01/19/2018	<u>20</u>	STATUS REPORT and Proposed Briefing Schedule by Department of the Treasury, Internal Revenue Service, United States. (Hoffman-Logsdon, Megan) (Entered: 01/19/2018)
02/16/2018	21	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered denying <u>17</u> Motion to produce. (Castles, Martin) (Entered: 02/16/2018)
05/21/2018	<u>22</u>	letter by Donato F. Niro, Shirley M. Niro. (Attachments: # <u>1</u> Exhibit)(Jones, Sherry) (Entered: 05/21/2018)
05/22/2018	23	District Judge Timothy S. Hillman: ORDER entered. SCHEDULING ORDER: Defendant IRS will file a motion for summary judgment on or before July 30, 2018. Plaintiffs Donato Niro and Shirley Niro will file an opposition and if applicable, any cross-motion for summary judgment on or before August 30, 2018. Defendant will file a brief in reply, and if applicable, in opposition to any cross-motion filed by Plaintiffs, on or before September 14, 2018. Plaintiffs will file a reply on or before September 28, 2018.(Castles, Martin) (Entered: 05/22/2018)
07/27/2018	<u>24</u>	MOTION for Summary Judgment by Department of the Treasury, Internal Revenue Service. (Attachments: # <u>1</u> Statement of Material Facts, # <u>2</u> Declaration of Kimberly Wilson, # <u>3</u> Declaration of Lowell Thomas, # <u>4</u> Text of Proposed Order)(Hoffman-Logsdon, Megan) (Entered: 07/27/2018)
08/31/2018	<u>25</u>	RESPONSE to Motion re <u>24</u> MOTION for Summary Judgment filed by Donato F. Niro, Shirley M. Niro. (Jones, Sherry) (Entered: 08/31/2018)
09/13/2018	<u>26</u>	Consent MOTION for Extension of Time to October 17 2017 to File Response/Reply as to <u>25</u> Response to Motion by Department of the Treasury, Internal Revenue Service, United States. (Attachments: # <u>1</u> Text of Proposed Order)(Hoffman-Logsdon, Megan) (Entered: 09/13/2018)
09/27/2018	27	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting <u>26</u> Motion for Extension of Time to File Reply re <u>24</u> MOTION for Summary Judgment . Replies due by 10/17/2018. (Castles, Martin) (Entered: 09/27/2018)
09/27/2018	<u>28</u>	RESPONSE to Motion re <u>24</u> MOTION for Summary Judgment filed by Donato F. Niro, Shirley M. Niro. (Burgos, Sandra) (Entered: 09/27/2018)
10/04/2018	29	ELECTRONIC NOTICE Setting Hearing on Motion <u>24</u> MOTION for Summary Judgment : Motion Hearing set for 10/25/2018 at 10:00 AM in Courtroom 2 – Worcester before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 10/04/2018)
10/17/2018	<u>30</u>	Consent MOTION for Extension of Time to December 17, 2018 to File Response/Reply as to <u>25</u> Response to Motion by Department of the Treasury, Internal Revenue Service, United States. (Attachments: # <u>1</u> Text of Proposed Order)(Hoffman-Logsdon, Megan) (Entered: 10/17/2018)
10/22/2018	<u>31</u>	MOTION Reschedule Hearing Date re <u>30</u> Consent MOTION for Extension of Time to December 17, 2018 to File Response/Reply as to <u>25</u> Response to Motion by Department of the Treasury, Internal Revenue Service, United States.(Hoffman-Logsdon, Megan) (Entered: 10/22/2018)
10/23/2018	32	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting <u>30</u> Motion for Extension of Time to File Reply re <u>24</u> MOTION for Summary Judgment ( Replies due by 12/17/2018, Sur-reply due by 1/4/19); granting <u>31</u> Motion to continue motion hearing date. (Castles, Martin) (Entered: 10/23/2018)
10/23/2018	33	ELECTRONIC NOTICE Resetting Hearing on Motion <u>24</u> MOTION for Summary Judgment : Motion Hearing reset for 1/14/2019 at 3:00 PM before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 10/23/2018)
12/17/2018	<u>34</u>	REPLY to Response to <u>24</u> MOTION for Summary Judgment filed by Department of the Treasury, Internal Revenue Service. (Attachments: # <u>1</u> Declaration of Lowell Thomas, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D)(Hoffman-Logsdon, Megan) (Entered: 12/17/2018)

12/26/2018	<u>35</u>	MOTION for Extension of Time to 2/18/19 to File Sur-Reply as to <u>24</u> MOTION for Summary Judgment by Donato F. Niro. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Sherry) (Entered: 12/26/2018)
01/04/2019	<u>36</u>	MOTION to Stay by Department of the Treasury, Internal Revenue Service.(Hoffman-Logsdon, Megan) (Entered: 01/04/2019)
01/08/2019	<u>37</u>	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting <u>35</u> Motion for Extension of Time to File Sur Reply re <u>24</u> MOTION for Summary Judgment ( Sur Reply due by 2/18/2019) and granting <u>36</u> Motion to Stay proceedings. (Castles, Martin) (Entered: 01/08/2019)
01/08/2019	<u>38</u>	ELECTRONIC NOTICE Resetting Hearing on Motion <u>24</u> MOTION for Summary Judgment : Motion Hearing reset for 2/25/2019 at 2:00 PM in Courtroom 2 – Worcester before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 01/08/2019)
01/31/2019	<u>39</u>	ELECTRONIC NOTICE Resetting Hearing on Motion <u>24</u> MOTION for Summary Judgment : Motion Hearing reset for 3/4/2019 at 2:30 PM in Courtroom 2 – Worcester before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 01/31/2019)
02/11/2019	<u>40</u>	SUR-REPLY to Motion re <u>24</u> MOTION for Summary Judgment filed by Donato F. Niro, Shirley M. Niro. (Attachments: # <u>1</u> Exhibit 1 – 13)(Burgos, Sandra) (Entered: 02/11/2019)